

### **REMARKS**

Reconsideration of the subject application as amended herein is respectfully requested.

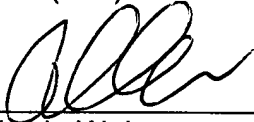
Briefly, the subject application pertains to a device that is primarily suitable for irrigation of two tissues. The device is shaped so that it can be inserted between the two tissues and is structured to form an annular vacuum channel with each of the tissues when in place. The claims 1-17 describe various features of the device. The Examiner has indicated that claim 12 is in allowable condition and, accordingly, claim 18 is presented herein that includes the limitations of claims 1 and 12.

The Examiner has rejected the claims as being anticipated by Benson and Weisinger. The Applicants respectfully traverse these rejections. Both references disclose sealed devices formed of sheet metal or metal tubes. These devices have nothing to do with irrigating biological tissues and, contrary to the position of the Examiner, do not disclose any components that could be used for this purpose. For example, claim 1 as amended now recites that the subject device includes upper and lower sealing surfaces that form fluid seals with biological tissues when the device is inserted between two tissues. There is nothing in these references that teach or even suggest such a structure.

Accordingly, it is respectfully submitted that the subject application is now in condition for allowance.

Respectfully submitted,

GOTTLIEB RACKMAN & REISMAN PC  
Attorneys for Applicant  
270 Madison Avenue  
New York, New York 10016-0601  
Telephone: (212) 684 3900  
Telefax: (212) 684 3999

By:   
Tiberiu Weisz  
Reg. No. 29,876

Dated: November 14, 2005